



# **CITY COUNCIL**

## **Meeting Agenda**

**REGULAR MEETING**  
**COUNCIL CHAMBERS**

**MONDAY, OCTOBER 10, 2016**  
**7:00 P.M.**

*The Regular Meetings of City Council are filmed and can be viewed LIVE while the meeting is taking place or at your convenience at any time after the meeting on the City's website at [www.ReadingPa.gov](http://www.ReadingPa.gov), under "Live and Archived Meeting Videos". All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No. 27-2012.*

### **RULES FOR PUBLIC PARTICIPATION AT COUNCIL MEETINGS**

The Administrative Code, Section § 5-209 defines public participation at Council meetings.

1. Citizens attending Council meetings are expected to conduct themselves in a responsible and respectful manner that does not disrupt the meeting.
2. Those wishing to have conversations should do so in the hall outside Council Chambers in a low speaking voice.
3. Public comment will occur only during the Public Comment period listed on the agenda at the podium and must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Clapping, calling out, and/or cheering when a speaker finishes his comments is not permitted.
4. Citizens may not approach the Council tables at any time during the meeting.
5. Any person making threats of any type, personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking, removed from Council Chambers and/or cited.
6. Failure to abide by these regulations could result in your removal from Council Chambers and/or a citation. These regulations are meant to avoid disruptions at the meeting and they are not meant to interfere with public participation.

### **1. OPENING MATTERS**

#### **A. CALL TO ORDER**

**B. INVOCATION:** Mr. Steve Elmarzouky, Islamic Center of Reading

#### **C. PLEDGE OF ALLEGIANCE**

#### **D. ROLL CALL**

The purpose of the Executive Session on Monday, October 10<sup>th</sup> was related to \_\_\_\_\_ matters.

## **2. PROCLAMATIONS AND PRESENTATIONS**

- Commendation celebrating Fire Prevention Week

## **3. PUBLIC COMMENT – AGENDA MATTERS:**

*Citizens have the opportunity to address the Council, by registering with the City Clerk by 5 pm on the day of the scheduled Council meeting or by legibly printing their name, address and the subject matter to be discussed on a sign-up sheet found on the podium in Council Chambers between 5 pm and 7 pm on the day of the scheduled meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.*

*All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.*

*Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration, including applause or cheering, at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.*

## **4. APPROVAL OF AGENDA**

**A. MINUTES:** Regular Meeting of September 26, 2016

**B. AGENDA:** Regular Meeting of October 10, 2016

## **5. Consent Agenda Legislation**

**A. Resolution –**

**B. Award of Contract –** for the purchase of the Kenhorst Blvd. ADA Curb Ramps to Heim Construction Company, Orwigsburg, PA at the cost of \$354,991.25.

## **6. ADMINISTRATIVE REPORT**

## **7. REPORT FROM OFFICE OF THE AUDITOR**

Herbein & Co 2015 External Audit

## **8. REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS**

## **9. ORDINANCES FOR FINAL PASSAGE**

### **Pending Legislation**

**Bill No. 2016 –** creating the Reading Regional Water Authority *Introduced at the May 23 regular meeting*

- A. **Ordinance** - amending the City's Zoning Ordinance, Section 600-800, Districts, Section 600-1203 Conditional Use, Section 600-2100 Telecommunications Towers and Antennas, and Section 600-2206 Telecommunication Definitions *Introduced at the August 8 regular meeting*
- B. **Bill No. 2016** - amending the City Code by adding Chapter 184 Controlled Substance, Drug, Device and Cosmetic making the possession of marijuana a summary offense

- A. **Bill No. 43-2016** - setting the salary of the CD Director at \$82,000 per annum
- B. **Bill No. 44-2016** - authorizing the Administration to enter into a one-year intergovernmental cooperation agreement regarding the collection and recycling of various recyclable items generated at multiple Reading School District locations. The Agreement is between the City of Reading and the Reading School District and retroactively effective July 01, 2016.
- C. **Bill No. 45-2016** - authorizing the addition of a budget item in the amount of \$270,000 to the 2016 budget for the PA DCED Reimbursement Grant for the Asset Conditions Assessment Project.
- D. **Bill No. 46-2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$1,749,667.88 from Fund Balance to Engineering Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on Waste Water Treatment Plant Upgrades
- E. **Bill No. 47-2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$345,588.63 from Fund Balance to Engineering Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on 19<sup>th</sup> Ward Pump Station.
- F. **Bill No. 48-2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$593,009.63 from Fund Balance to Program Management Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Program Management Services for the Consent Decree Program.
- G. **Bill No. 49-2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$205,309.44 from Fund Balance to Engineering Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on 6<sup>th</sup> and Canal Pump Station Phase II.

## **10. INTRODUCTION OF NEW ORDINANCES**

- A. **Bill No. 2016** - authorizing the transfer of \$19,000.00 from Solid Waste General Plant Supplies to General Plant Supplies in the Recycling Fund and a transfer of \$5,000.00 from Advertising in Solid Waste fund to General Plant Supplies in the Recycling fund
- B. **Bill No. 2016** - authorizing the removal of Public Property Foreman and adding the position of Public Property Manager, creating a Services Team in the 2016 Position Ordinance

## **11. RESOLUTIONS**

**Tabled at 9-12 Meeting; Pending Public Hearing and  
Planning Commission recommendation**

**A. Resolution 72-2016**– authorizing the City Solicitor to execute the reimbursement agreement in the RAS with No. R16050006 for the Rockland Street Project initiated by the Wyomissing Foundation

**A. Resolution –**

## **12. PUBLIC COMMENT – GENERAL MATTERS**

*Please see public speaking rules on second page*

## **13. COUNCIL BUSINESS / COMMENTS**

## **14. COUNCIL MEETING SCHEDULE**

### **Monday, October 10**

*Committee of the Whole – Penn Room – 5 pm*

*Regular Meeting – Council Chambers – 7 pm*

### **Monday, October 17**

*Nominations and Appointments Committee – Council Office – 4 pm*

*Budget Review Meeting – Penn Room – 5 pm*

### **Wednesday, October 19**

*Capital Budget Public Hearing in Council Chambers – at 5 pm*

### **Thursday, October 20**

*General Fund Public Hearing - in Council Chambers at 5 pm*

### **Monday, October 24**

*Committee of the Whole – Penn Room – 5 pm*

*Regular Meeting – Council Chambers – 7 pm*

## **15. BAC AND COMMUNITY GROUP MEETING SCHEDULE**

### **Tuesday, October 11**

*Water Authority Workshop – Water Authority Office – 4:30 pm*

### **Wednesday, October 12**

*Zoning Hearing Board – Council Chambers – 5:30 pm*

*Human Relations Commission – HRC Office – 6 pm*

Center City Community Organization – Holy Cross Church – 6 pm

**Thursday, October 13**

Police Pension Board – 3<sup>rd</sup> floor conference room – 9:30 am

Outlet Area Neighborhood – St. Mark’s Lutheran Church – 6:30 pm

**Monday, October 17**

Library Board – 113 S 4<sup>th</sup> St – 4:30 pm

**Tuesday, October 18**

Fire Civil Service Board – Fire Training Center – 3 pm

HARB – Penn Room – 6:30 pm

Charter Board – Council Chambers – 7 pm

**Wednesday, October 19**

Officers and Employees Pension Board – Penn Room – 1:30 pm

Redevelopment Authority – Redevelopment Authority Office – 3 pm

**Thursday, October 20**

Diversity Board – Penn Room – 3 pm

Blighted Property Review Committee – Council Chambers – 6 pm

Shade Tree Commission – Public Works Center – 6 pm

**Friday, October 21**

Fire Pension Board – Penn Room – 10 am

**Monday, October 24**

DID Authority – 645 Penn St 5<sup>th</sup> floor – noon

**City of Reading City Council**  
**Regular Meeting**  
**September 26, 2016**

Council President Waltman called the meeting to order.

The invocation was given by Rev. Valerie Willace

All present pledged to the flag.

**ATTENDANCE**

Council President J. Waltman  
Councilor Daubert, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Twyman, District 3  
Councilor Marmarou, District 4  
Councilor Reed, District 5  
Councilor Slifko, District 6  
City Auditor D. Cituk  
Asst. Solicitor F. Lachat  
City Clerk L. Kelleher  
Mayor W. Scott  
Police Chief Dominguez

There was (1) executive sessions on litigation and one (1) executive session on a quasi-judicial decision re the transfer of an inter-municipal liquor license at the Committee of the Whole meeting.

**PROCLAMATIONS AND PRESENTATIONS**

The following were issued at the meeting:

- Commendation celebrating Hispanic Heritage Month
- Recognition Certificates for District 2 residents participating in the Curb Appeal Contest and a Commendation to the winner of the contest

**PUBLIC COMMENT**

Council President Waltman stated that there are 11 citizens registered to address Council, six (6) on agenda matters and five (5) on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected the rule was suspended.

Councilor Daubert read the public speaking rules that were adopted by Council.

**Ernie Schlegel, of Pear St.** spoke about the proposed ordinance to decriminalize marijuana locally and he provided an overview about the history of enforcement. He stated that while he does not support the use of marijuana, he agrees with the need to decriminalize it. He noted that the use of marijuana is a personal choice. He noted that the federal government has asked the States to address the decriminalization issue. He noted that Reading passed additional gun restrictions and LGBT legislation locally. He agreed that there should be discussion on the local decriminalization of marijuana. He thanked the councilors who moved this issue forward.

**Dave Baker, of Elm St.,** spoke in agreement with the proposed decriminalization of marijuana. He expressed the belief that employees who would have difficulty with the enforcement of this local legislation should be fired. He described the problems with the enforcement of possession of marijuana noting that enforcement ruin people's lives.

**Les Stark, of Keystone Cannabis Coalition,** stated that the coalition has a local office and he commended Council for their thoughtful discussion on the proposed ordinance at the committee of the whole meeting. He stated that the coalition played a role in getting the State's hemp bill passed along with the passage of local regulations in Harrisburg and Philadelphia. He noted his support of the enactment of local marijuana regulations does not condone the use of marijuana. He noted the savings that could be realized with the decriminalization of marijuana locally. He stated that the enforcement of marijuana began in 1933 near the end of Prohibition and its history moving forward.

**Erica McBride, of Keystone Cannabis Coalition.,** stated that cannabis has been used for 1000s of years. She expressed the belief that cannabis should not be a criminal offense as the drug is not detrimental to the public. She noted that this drug is not addictive like alcohol or cigarettes. She also expressed the belief that the decriminalization will eliminate or at least reduce the sale of synthetic marijuana. She noted the import role parents have in counseling children on staying drug free and making responsible decisions. She expressed the belief that cannabis is not a gateway drug; but it is a gateway to the criminal justice system.

**Manuel Guzman, of South 4<sup>th</sup> St.,** stated that he serves on the Reading School Board and he supports the decriminalization of marijuana. He suggested that Council avoid reinventing the wheel when the model ordinance could be enacted. He stated that decriminalizing marijuana would eliminate the existing problems created when a person gets charged with possession which jeopardizes their ability to stay in public housing and obtain federal aid and assistance. He noted that people of color are more frequently charged with drug related charges than others.

**Brianne Archer, from Temple,** stated that she works at a pharmacy and she noted that the use of natural marijuana is safer than the use of synthetic marijuana. She expressed the belief that natural marijuana is a safe drug and her support for the decriminalization of marijuana.

**Anne Marie Wolfe, of Franklin St.,** was not present.

**Rev. Mary Wolfe, pastor at Hope Lutheran Church,** stated that Hope Lutheran is located at 601 N. Front Street and she has served there for 10 years and she described the many outreach and community programs offered at the church. She stated that several years ago the church identified the collapsing buildings at 626 and 628 N. Front Street as possible sites for gardens and parking for the neighborhood. She stated that 626 N. Front was eventually demolished, followed by 628. She stated that the church was able to get title to 626 but the liens tied to 628 are preventing the church from taking title. She stated that the liens are all City related and she asked the Mayor and Council to assist the church by releasing the liens. She noted that the Planning Commission has signed off on the church's plan to turn the parcels into community garden space with a parking area and a parklet with a bench and table.

**Jason Orth, of Cherry St,** stated that he spoke at an August Council meeting requesting traffic calming to reduce the speeding on Cherry Street and one week later a young lady got hit by a speeding car while riding her bike. He again requested traffic calming devices and pedestrian signage. He noted the need for relief before more accidents occur. He also noted the problems caused by drug activity in the area. He stated that debris from drug use is common to find mixed with the litter on the streets.

**Brian McMahon, from the Steamfitters Local 420 Union,** stated that he spoke at the September 12<sup>th</sup> regular meeting from a prepared statement and that he was misquoted in the minutes. He stated that he provided a copy of his written statement to the City Clerk and she refused to make the change he requested. He expressed the belief that the September 12<sup>th</sup> minutes does not accurately reflect the statement he read at the meeting and he asked for a change in the meeting minutes. A copy of the statement provided is attached as Exhibit A to this document.

**Jack Miller, of South 6<sup>th</sup> St.,** thanked the elected officials for their service and he noted that there are different types of neighborhoods within Reading that have different needs. He stated that there are a number of rental properties in his neighborhood with owners who reside in New York. He questioned why these property owners are permitted to visit the properties over weekends to make property improvements without the required building/trade permits. He noted the problems of some rental properties with out-of-town property owners.

## **APPROVAL OF THE AGENDA & MINUTES**

Council President Waltman called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading, and the minutes from the September 12<sup>th</sup> Regular Meeting of Council. He stated that Council can consider the requested change to the minutes separately. He asked for a roll call vote on this issue. He noted that the administration is requesting the addition of a resolution to the Consent Agenda that will allow the transfer of a van to the Canteen

associated with the Reading Fire Department. He stated that the resolutions regarding the HARB decision and the inter-municipal liquor license transfer will be handled under the Resolution section.

**Councilor Slifko moved, seconded by Councilor Goodman-Hinnershitz to approve the minutes from the September 12th Regular Meeting of Council and the agenda, as amended, including the legislation listed under the Consent Agenda heading.**

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to amend the agenda by removing Bill C regarding the decriminalization of marijuana from introduction at this meeting.**

Councilor Goodman-Hinnershitz suggested removing the Bill from introduction so it can be revised after input is obtained from the Solicitor, Police and others.

Councilor Daubert stated that although he co-sponsored this bill, he does not advocate the use of marijuana. He stated that he only advocates for the decriminalization of possession charges. He agreed that the Bill requires further refinement and review. He noted that change is messy and uncomfortable.

Councilor Reed stated that she supports introducing the ordinance and moving the issue forward. She agreed that perhaps the ordinance was introduced too quickly; however, she stated that effort to introduce the Bill was not subversive. She expressed the belief that the Bill needs to stay alive to encourage further review and refinement. She agreed with the need to fine for possession of marijuana rather than requiring the use of the judicial system.

Councilor Twyman noted the good discussion on this issue at the Committee of the Whole meeting. He applauded Councilors Reed and Daubert for moving the issue forward.

Councilor Slifko agreed that the approach to the introduction of this Bill could have been improved. He agreed that change never follows a straight line and that the issue should continue to be discussed.

Councilor Goodman-Hinnershitz stated that although marijuana is a drug obtained from nature, it is a hallucinogen and it should be controlled. She noted that other controlled substances like alcohol and cigarettes are controlled by the State and Federal governments.

The mayor encouraged Council to draft and pass a resolution encouraging the State legislators to enact legislation that will decriminalize marijuana. He noted the many language flaws with the model ordinance being introduced. He suggested that supporters of this movement should use the referendum process to really test if Reading's electorate supports this issue. He suggested that adopting local legislation may violate the oath of office taken by elected officials and he suggested withdrawing the Bill.

Council President Waltman noted the need for good communication before introducing an ordinance

such as this. He also suggested withdrawing the ordinance until it can be refined and input from multiple sources can be obtained. He stated that he too agrees with decriminalization but not the use of the drug.

**The motion to remove Bill C regarding the decriminalization of marijuana from introduction at this meeting was NOT adopted by the following vote:**

**Yeas: Goodman-Hinnershitz, Marmarou, Waltman President - 3**

**Nays: Daubert, Reed, Slifko, Twyman - 4**

## **Consent Agenda**

**B. Award of Contract** - for the collection of Fire Revenue Recovery to PA Fire Recovery Service, LLC, Periwinkle Macungie, PA

**C. Resolution 75-2016** - appointing Ralph Johnson to the Reading Area Technical Committee (RATS)

**E. Resolution 77-2016** - authorizing the disposition of purchasing records from 1995

**F. Resolution 78-2016** - authorizing the transfer of the former wheelchair transport van to the Canteen.

## **ADMINISTRATIVE REPORT**

The mayor stated that he will defer making a report due to the length if the discussion on the introduction of the Bill to decriminalize marijuana.

Councilor Goodman-Hinnershitz thanked the mayor for his input at the Committee of the Whole meeting on that topic.

## **AUDITOR'S REPORT**

City Auditor Cituk read the report distributed to Council at the meeting, in summary:

- A report on the collection of the Admissions Tax 2012-16
- A report on the collection of the Real Estate Transfer Tax 2012-16

## **REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS**

None.

## **ORDINANCES FOR FINAL PASSAGE**

### **Pending Legislation**

**Bill No. 2016** - creating the Reading Regional Water Authority *Introduced at the May 23 regular meeting*

**Ordinance** – amending the City’s Zoning Ordinance, Section 600-800, Districts, Section 600-1203 Conditional Use, Section 600-2100 Telecommunications Towers and Antennas, and Section 600-2206 Telecommunication Definitions *Introduced at the August 8 regular meeting*

**A. Bill No. 39-2016** - restricting parking by establishing a No Parking zone on the east side of Reed Street at the intersection of Buttonwood Street and Reed Street for a distance of approximately 28 feet. The purpose of the restriction is to establish a safe and sufficient turning space for vehicles turning from Buttonwood Street onto that section of Reed Street.

**Councilor Slifko moved, seconded by Councilor Reed, to enact Bill No. 39-2016.**

**Bill No. 39-2016 was enacted by the following vote:**

**Yeas:** Daubert, Marmarou, Goodman-Hinnershitz, Reed, Slifko, Twyman, Waltman,  
**President - 7**  
**Nays:** None - 0

**B. Bill No. 40-2016** – authorizing the transfer of cash reserves in the General Fund totaling \$85,000.00 from Fund Balance to Public Works

**Councilor Slifko moved, seconded by Councilor Reed, to enact Bill No. 40-2016.**

Council President Waltman explained that this ordinance will correct a recurring accounting coding problem.

**Bill No. 40-2016 was enacted by the following vote:**

**Yeas:** Daubert, Marmarou, Goodman-Hinnershitz, Reed, Slifko, Twyman, Waltman,  
**President - 7**  
**Nays:** None - 0

**C. Bill No. 41-2016** – authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$61,717.50 from Fund Balance to Engineering Costs and to Administrative costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on 6<sup>th</sup> and Canal Pump Station for Phase I.

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to enact Bill No. 41-2016.**

**Bill No. 41-2016 was enacted by the following vote:**

**Yeas:** Daubert, Marmarou, Goodman-Hinnershitz, Reed, Slifko, Twyman, Waltman,  
**President - 7**  
**Nays:** None - 0

**D. Bill No. 42-2016** – authorizing the transfer of \$35,000 from the Fund Balance to the Charter Board to cover their expenses through the end of 2016

**Councilor Slifko moved, seconded by Councilor Reed, to enact Bill No. 42-2016.**

**Bill No. 42-2016 was enacted by the following vote:**

**Yeas: Daubert, Marmarou, Goodman-Hinnershitz, Reed, Slifko, Twyman, Waltman,  
President - 7**

**Nays: None - 0**

## **INTRODUCTION OF NEW ORDINANCES**

Council President Waltman read the following ordinances into the record:

**A. Bill No. 2016** – setting the salary of the CD Director at \$82,000 per annum

**B. Bill No. 2016** - authorizing the Administration to enter into a one-year intergovernmental cooperation agreement regarding the collection and recycling of various recyclable items generated at multiple Reading School District locations. The Agreement is between the City of Reading and the Reading School District and retroactively effective July 01, 2016.

**C. Bill No. 2016** - amending the City Code by adding Chapter 184 Controlled Substance, Drug, Device and Cosmetic making the possession of marijuana a summary offense

**D. Bill No. 2016** - authorizing the addition of a budget item in the amount of \$270,000 to the 2016 budget for the PA DCED Reimbursement Grant for the Asset Conditions Assessment Project.

**E. Bill No. 2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$1,749,667.88 from Fund Balance to Engineering Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on Waste Water Treatment Plant Upgrades

**F. Bill No. 2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$345,588.63 from Fund Balance to Engineering Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Engineering to be performed on 19<sup>th</sup> Ward Pump Station.

**G. Bill No. 2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$593,009.63 from Fund Balance to Program Management Costs and amends the 2016 Sewer Fund operating budget to allocate funds to Program Management Services for the Consent Decree Program.

**H. Bill No. 2016** - authorizing the transfer of cash reserves in the Sewer Fund in the amount of \$205,309.44 from Fund Balance to Engineering Costs and amends the 2016 Sewer Fund operating

budget to allocate funds to Engineering to be performed on 6<sup>th</sup> and Canal Pump Station Phase II.

## **RESOLUTIONS**

**A.Resolution 74-2016** – reappointing Mark Pinksavage to the Electrician’s Examining Board

**Councilor Marmarou moved, seconded by Councilor Daubert, to adopt Resolution No. 74-2016.**

Councilor Marmarou noted the skill and experience Mr. Pinksavage brings to the board and his long standing service.

**Resolution No. 74-2016 was tabled by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman President - 7**

**Nays: None - 0**

**B.Resolution 80-2016** – appointing Josephina Encarnacion to RAWA to fill the unexpired term of Ron Hatt

**Councilor Marmarou moved, seconded by Councilor Daubert, to adopt Resolution No. 80-2016.**

Councilor Slifko stated that Ms. Encarnacion was interviewed by the Nominations Committee and the Committee of the Whole. He stated that Ms. Encarnacion’s interview was impressive and that she is very qualified to serve on this board.

Councilor Goodman-Hinnershitz noted the need for employees serving on authorities and other boards to always remember to keep the roles separate when making decisions that affect the authority of board.

Councilor Reed agreed that Ms. Encarnacion is qualified; however, she stated that she is uncomfortable with appointing another employee to serve on this autonomous Authority. She stated that she will not support this appointment, although the candidate is very qualified. She noted that her decision not to support this resolution is not anything personal against the candidate.

**Resolution No. 80-2016 was adopted by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Slifko, Twyman, Waltman President - 6**

**Nays: Reed - 1**

**C.Resolution 81-2016** – appointing Alejandros Palacios as CD Director

**Councilor Daubert moved, seconded by Councilor Reed, to adopt Resolution No. 81-2016.**

Council President Waltman stated that when interviewed Mr. Palacios explained his strengths and weaknesses along with his understanding of the position. He stated that Mr. Palacios brings a strong financial background to the position, which is an important component. He also noted Mr. Palacios' strong ethical approach to the position.

**Resolution No. 81-2016 was adopted by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman President - 7**  
**Nays: None - 0**

**D. Resolution 73-2016** – approving the COA appeal of Mr. and Mrs. Michael Gordon pertaining to the HARB denial for the installation of an elevator at 1604 Bern Street

**Councilor Marmarou moved, seconded by Councilor Slifko, to adopt Resolution No. 73-2016.**

Councilor Slifko stated that during the appeal hearing Council learned about the Gordon's work to devise a plan that fits with the home's architecture, aesthetics of the neighborhood and address their need. For an accommodation.

Councilor Reed stated that while she usually supports the decisions made by HARB, she cannot in this case as the Gordon's went out of their way to select a design that works with the home's layout and architecture.

Councilors Twyman and Goodman-Hinnershitz agreed.

**Resolution No. 73-2016 was adopted by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman President - 7**  
**Nays: None - 0**

**E. Resolution 76-2016** – approving the inter-municipal liquor license transfer for Cubano Reading LLC at 25 N 2<sup>nd</sup> Street

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to adopt Resolution No. 76-2016.**

Councilor Twyman stated that he supports the location of this restaurant at 25 N 4<sup>th</sup> Street.

Councilor Slifko explained that the PALCB regulations require testimony opposing the transfer if the transfer is denied. He stated that there was no testimony in opposition at the hearing. He also noted that the applicant made a diligent attempt to purchase one of the restaurant licenses currently in safekeeping.

Councilor Goodman-Hinnershitz noted the success of the applicant in the restaurant industry locally and in Lehigh County.

**Resolution No. 76-2016 was adopted by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman President - 7**

**Nays: None - 0**

**COUNCIL COMMENT**

Councilor Goodman-Hinnershitz noted the upcoming Recovery Walk this upcoming weekend and the event planned in City Park.

Councilor Reed promised to work diligently to refine the Bill to decriminalize marijuana

Council President Waltman reviewed the upcoming Council meeting schedule.

**Councilor Marmarou moved, seconded by Councilor Daubert, to adjourn the regular meeting of Council.**

*Respectfully submitted by Linda A. Kelleher CMC, City Clerk*

**EXHIBIT A**

more Union Contractors that bid the project then Open Shop Contractors for the third time.

I am on the Berks County Workforce Investment Board, formerly known as the Berks County Workforce Development Board. It is an appointed position by the county commissioners. I sit on the Youth Committee. We try to put young people to work here, in the city of Reading, and Berks County. Without jobs, the local building trades cannot help young people get into great paying apprenticeship programs and construction jobs. This also falls on every public official to do their part to get these young men and women great paying jobs.

I would like to propose to the Mayor and City Council, since you even rejected the one and only low bid that happened to be a Union bidder on the HVAC System, that City Council reject all the bids for the same reason as the first and second bids, way over budget and not enough bidders and since the Merritt or Open Shop Contractors did not bid under a PLA, and by law, they could have. And then they saw the bid numbers on the first and second rounds of bidding. Now that the project is still 29 million dollars over budget and everyone knows every ones numbers, maybe we should bid it for a 4<sup>th</sup> time to get the cost even lower.

At this time, I would ask that all the building trades members that live in the city of Reading and Berks County, stand up so the Mayor and City Council can see the number of men and women who contribute to the local economy and will be held from working on this project if council accepts the bids on this WWTP.

**Abraham Amoros, from the Laborers International Union,** described the relationship his organization has with other agencies. He expressed the belief that PLAs work to create smoothly running projects and benefits projects in other ways. He expressed the belief that the City should use a PLA for the WWTP project.

**Jimmy Rivera, from Buttonwood St.,** was not present.

**Ryan Helms, from the local IBEW 743,** stated that the WWTP project was bid out three (3) times; two (2) times with a PLA and once without a PLA. He expressed the belief that the presentation made a few years ago noting the benefits PLAs bring to projects fell on deaf ears. He noted that the bid without the PLA came in only \$5M lower than the last bid with the PLA. However, the bid still came in at \$28M over budget. He stated that the majority of the low bidders are not local companies. He stated that the use of the PLA would help keep local jobs for local contractors and their employees.

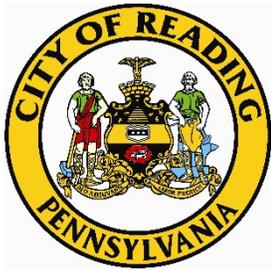
**Brian McMahon, from the Steamfitters Local 420 Union,** expressed the belief that PLAs benefit projects. He also noted that of the three (3) bids for the WWTP project, the final bid without the PLA still came in \$28M over budget. He expressed the belief that PLAs keep the dollars locally. **He noted that the lowest bidder for the HVAC component is a union shop from outside the area.** He suggested rejecting all bids submitted and rebidding the project a 4<sup>th</sup> time to drive the costs lower.

**Ed Braukus, representing Membership Development at IBEW Local 743,** stated that he represents 446 members and he spoke in support of the PLA as it would bring jobs home for local workers. He suggested that the lack of a PLA at the Citadel project for the Reading School District caused the project to be delayed and over budget. He explained that the PLA provides guarantees.

**Karl Baskin, of Fairview Street,** stated that he is president of the Ironworkers 420 Union and he described the volunteer service of his organization and their dedication to the community. He stated that at one time being a tradesman provided a wage that supported a family. However, now he looks to the right and he sees gangs; he looks to the left and he sees drugs; and he looks straight ahead and he sees minimum wage jobs and hairnets. He noted the importance of trades as a career. He stated that there are 25 trades' apprentices and there are no jobs available in their own City.

**Nate Rivera, of North 6<sup>th</sup> Street,** noted that October is Hispanic Heritage Month and he questioned why representative groups were excluded from the proclamation declaring Marc Anthony Day. He expressed the belief that parking tickets have reached an epidemic level and he suggested that tickets are not a solution to the City's financial problems. He





# AGENDA MEMO

## DEPARTMENT OF ADMINISTRATIVE SERVICES

**TO:** City Council  
**FROM:** Tammi Reinhart, Purchasing Coordinator  
**PREPARED BY:** Tammi Reinhart, Purchasing Coordinator  
**MEETING DATE:** October 10, 2016  
**AGENDA MEMO DATE:** October 5, 2016  
**RECOMMENDED ACTION:** Awarding of the Contract for the Kenhorst Blvd. ADA Curb Ramps Project

### RECOMMENDATION

The recommendation is to award the contract for the purchase of the Kenhorst Blvd. ADA Curb Ramps to Heim Construction Company, 1020 Chestnut Road, Orwigsburg, PA 17961 at the cost of \$354,991.25.

### BACKGROUND

Proposals for this project were received on September 20, 2016. The lowest responsible bidder is Heim Construction Company. The work to be performed under this Contract shall include, but not necessarily be limited to, furnishing and installing, complete and in place ADA curb ramps, curbs, related sidewalks and other intersection improvements.

### BUDGETARY IMPACT

The Fire Apparatus is being paid for out of CDBG Funding. The total amount is \$354,991.25. The Department of Community Development has confirmed there are sufficient funds to cover the project. The account code being used is 32-10-00-4216.

### PREVIOUS ACTION

None

### SUBSEQUENT ACTION

Formal action by Council is required to award the contract at the October 10, 2016 meeting.

### RECOMMENDED BY

Mayor, Managing Director, Director of Administrative Services, Director of Community Development, Director of Public Works, Controller and Purchasing Coordinator.

**RECOMMENDED MOTION**

Approve/Deny the recommendation for the Kenhorst Blvd. ADA Curb Ramps Project in order that contract may be awarded to Heim Construction Company.

cc: File

September 21, 2016

To the Mayor  
City Hall

**Reading, PA**

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

**THE BID FOR THE KENHORST BLVD. ADA RAMPS FOR THE DEPARTMENT OF PUBLIC WORKS AND COMMUNITY DEVELOPMENT DEPARTMENT.**

<b><u>BIDDER</u></b>	<b><u>PRICE</u></b>
Heim Construction Company 1020 Chestnut Road Orwigsburg, PA 17961	\$354,991.25
Forino Company, LP 555 Mt. Home Road Reading, PA 19608	\$362,045.00
Reamstown Excavating, Inc. 560 North 5 <sup>th</sup> Street Denver, PA 17517	\$372,200.00
Doug Lamb Construction 1180 Zeager Road Elizabethtown, PA 17022	\$496,320.00
Bertolet Construction Corporation 100 South Church Road Wernersville, PA 19565	\$565,707.00

Tammi Reinhart  
Purchasing Coordinator

**CITY OF READING  
BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_2016  
(Duly Enacted \_\_\_\_\_2016)**

**AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, SIGNIFYING THE INTENTION OF CITY COUNCIL TO ORGANIZE A MUNICIPAL AUTHORITY UNDER THE PROVISIONS OF THE PENNSYLVANIA MUNICIPALITY AUTHORITIES ACT, AS AMENDED AND SUPPLEMENTED, TO BE KNOWN AS THE “READING REGIONAL WATER AUTHORITY”; SETTING FORTH THE FORM OF THE ARTICLES OF INCORPORATION; APPOINTING THE FIRST MEMBERS OF THE BOARD OF THE AUTHORITY AND FIXING THEIR TERM OF OFFICE; DESIGNATING THE PURPOSES FOR SAID AUTHORITY; AUTHORIZING THE EXECUTION AND FILING OF THE ARTICLES OF INCORPORATION; AUTHORIZING THE TAKING OF ALL SUCH ACTION AS MAY BE NECESSARY OR APPROPRIATE TO ORGANIZE SAID AUTHORITY, INCLUDING THE PUBLICATION OF REQUIRED PUBLIC NOTICE; AND CONTAINING CLAUSES FOR SEVERABILITY, REPEAL, AND EFFECTIVE DATE.**

**WHEREAS**, the City of Reading, Berks County, Pennsylvania (the “City”), is empowered to establish, organize, and incorporate an authority pursuant to §5603 of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S.A. § 5601 et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented (the “Municipality Authorities Act”); and

**WHEREAS**, in preparation for the passage of this Ordinance, a public hearing was held by the City Council of the City pursuant to notice duly advertised as required by the Municipality Authorities Act.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the City Council of the City and **IT IS HEREBY ORDAINED AND ENACTED** by the authority of the same, as follows:

**INTENT.** It is the intent of the City Council of the City to organize an authority under provisions of the Municipality Authorities Act.

**NAME OF AUTHORITY.** The name of the authority shall be the “Reading Regional Water Authority”.

**ARTICLES OF INCORPORATION.** The proposed Articles of Incorporation of said Reading Regional Water Authority are as follows:

**READING REGIONAL WATER AUTHORITY**

**ARTICLES OF INCORPORATION**

To: The Secretary of the Commonwealth of Pennsylvania.

In compliance with requirements of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S.A. § 5601 et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented (the “Municipality Authorities Act”), and pursuant to the ordinance enacted by the City Council of the City of Reading, Berks County, Pennsylvania, expressing the

intention and desire of the City Council of said municipality to organize a municipality authority under said Municipality Authorities Act, the incorporating municipality does hereby certify:

The name of the Authority is “Reading Regional Water Authority”.

The Authority is formed under provisions of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S.A. § 5601 et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented, with all powers authorized by said Municipality Authorities Act.

No other authorities have been organized under said Municipality Authorities Act, under the former Act of June 28, 1935 (P.L. 463, No. 191), or under the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipality Authorities Act of 1945”, and is in existence in or for the incorporating municipality, except that the incorporating municipality has heretofore organized (i) the Reading Area Water Authority, (ii) the Reading Regional Airport Authority, (iii) the City of Reading Revitalization and Improvement Zone Authority, (iv) the Reading Downtown Improvement District Authority, and (v) the Berks Area Reading Transportation Authority, as a joint incorporating municipality, each under the provisions of the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipality Authorities Act of 1945”, which authorities are in existence in or for said incorporating municipality.

The name of the incorporating municipality is the City of Reading, Berks County, Pennsylvania.

The names and addresses of the members of the City Council of the City of Reading, the incorporating municipality, are as follows:

<u>OFFICE</u>	<u>NAME</u>	<u>ADDRESS</u>
President	Jeffrey Waltman	723 N 4 <sup>th</sup> St Street Reading, PA 19601
Vice President	Donna Reed	1525 Argonne Rd Reading, PA 19601
Council Member	Chris Daubert	1135 Gregg Avenue Reading, PA 19607
Council Member	Stratton P. Marmarou	1515 Linden Street Reading, PA 19604
Council Member	Marcia Goodman- Hinnershitz	564 S 15th Reading, PA 19601
Council Member	Brian Twyman	849 N 11 <sup>th</sup> St Reading, PA 19604
Council Member	John Slifko	919 N 3rd St Reading, PA 19601

The terms of office of the first members of the Board of said Reading Regional Water Authority shall commence on the date of appointment and shall be computed from the first Monday in January of 2015.

The term of existence of the Reading Regional Water Authority shall be for a period of fifty (50) years.

Advertisement of notice of filing these Articles of Incorporation is submitted herewith.

**IN WITNESS WHEREOF**, the undersigned has executed these Articles on behalf of the City of Reading, Berks County, Pennsylvania, and has caused to be affixed the seal and attested this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

**CITY OF READING  
BERKS COUNTY, PENNSYLVANIA**

By: \_\_\_\_\_  
Wally Scott, Mayor

Attest: \_\_\_\_\_  
Linda A. Kelleher CMC, City Clerk

COMMONWEALTH OF PENNSYLVANIA :  
 : SS.  
COUNTY OF BERKS :

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me a Notary Public in and for said Commonwealth, personally appeared the above named Vaughn Spencer and Linda A. Kelleher, who stated that their official positions in the City of Reading are, respectively, the Mayor and City Clerk of the City of Reading, and who, in due form of law, acknowledged the foregoing Articles of Incorporation to be the act and deed of said City of Reading for the purposes therein specified.

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Notary Public

NOTARIAL SEAL

My Commission Expires: \_\_\_\_\_

MEMBERS. The first members of the Board of said Reading Regional Water Authority, shall be specifically appointed members of said Board for the terms set commencing on the date of appointment and computed from the first Monday in January, 2017.

AUTHORITY TO EFFECT THE INCORPORATION OF THE AUTHORITY. The Mayor of the City is hereby authorized and directed to execute the Articles of Incorporation of the proposed Reading Regional Water Authority in substantially the form set forth in this Ordinance, and the City Clerk of the City is hereby authorized and directed to attest the same and to affix thereto the seal of the City. Such officers are authorized and directed to execute and deliver such other documents, agreements, certificates and instruments, and to do all acts necessary or appropriate to effect the incorporation of the proposed Reading Regional Water Authority, including, but not limited to, to cause notice of the substance of this Ordinance, including the substance of the foregoing Articles of Incorporation, and the proposed filing of such Articles of Incorporation, to be published as required by the Municipality Authorities Act.

The Mayor of the City and the City Clerk of the City are authorized and directed to file such Articles of Incorporation and the necessary proofs of publication with the Secretary of the Commonwealth of Pennsylvania and to do all other things necessary to effect the incorporation of the Reading Regional Water Authority, including payment of the required filing fees.

PURPOSES AND PROJECTS AUTHORIZED. The Reading Regional Water Authority shall have all the purposes, powers, and rights, as provided by the Municipality Authorities Act; provided, however, that the Authority shall be prohibited, without prior approval of City Council, from (a) undertaking any project which is not related to waterworks, water supply works or water distribution systems and (b) undertaking any project, whether or not related the waterworks, water supply works or water distribution systems, which involves the incurrence of any long term debt.

SEVERABILITY. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this City that such remainder shall be and shall remain in full force and effect.

REPEALER. All ordinances or parts of ordinances inconsistent with this Ordinance shall be and the same expressly are repealed.

EFFECTIVE DATE. This Ordinance shall take effect upon its advertisement and enactment as required by law.

DULY ENACTED, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016, BY THE COUNCIL OF CITY OF READING, BERKS COUNTY, PENNSYLVANIA, IN LAWFUL SESSION DULY ASSEMBLED.

Attest:

CITY OF READING  
Berks County, Pennsylvania

\_\_\_\_\_  
Linda A. Kelleher CMC, City Clerk

By: \_\_\_\_\_  
Jeffrey Waltman, President of Council

(SEAL)

Drafted by City Clerk/Asst. Solicitor  
Referred by City Clerk/Asst. Solicitor  
Introduced on August 8, 2016  
Advertised on August 9, 2016

**BILL NO. \_\_\_\_ 2016**

**AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF THE ZONING ORDINANCE, AS CODIFIED AS CHAPTER 600 OF THE CITY CODE, AND PARTICULARLY PROVIDING FOR THE REPEAL AND REPLACEMENT OF §600-2100 TELECOMMUNICATIONS TOWERS AND ANTENNA; AMENDING PORTIONS OF §600-800 DISTRICTS, §600-1202 SPECIAL EXCEPTIONS REPEALING TELECOMMUNICATIONS, SECTION §600-1203 CONDITIONAL USE ADDING TELECOMMUNICATIONS AND §600-2200 DEFINITIONS RELATING TO THE LOCATION, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES AND NON-TOWER WIRELESS COMMUNICATION FACILITIES; PROVIDING FURTHER FOR THE REGULATION OF SUCH FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY AND OUTSIDE THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE ENFORCEMENT OF SAID REGULATIONS; SAVING CERTAIN PROVISIONS FROM REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

**NOW THEREFORE**, be it, and it is hereby **ORDAINED** by the City of Reading City Council County, Commonwealth of Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

**Findings of Fact.**

By enacting this Ordinance, the City intends to:

- a. Promote the health, safety and welfare of City residents and businesses with respect to wireless communications facilities;
- b. Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both City residents and wireless carriers in accordance with federal and state laws and regulations;
- c. Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower based wireless communications facilities in the City, including facilities both inside and outside the public rights-of-way;
- d. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable wi-fi and other wireless communications facilities;
- e. Encourage the co-location of wireless communications facilities on existing structures rather than the construction of new tower-based structures;
- f. Protect City residents from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and

- g. Update the City’s wireless facilities regulations to incorporate changes in federal and state laws and regulations.

**SECTION I. Short Title.**

This Ordinance shall be known as the “City of Reading Wireless Communications Facilities Ordinance.”

**SECTION II. Amending Chapter 600-800 Districts as follows:**

§ 600-810. C-H Commercial Highway District.

A. Dimensional requirements. Editor’s Note: See Table of Dimensional Requirements included at the end of this chapter.

B. Allowed uses.

(1) Permitted-by-right uses: [Amended 2-14-2011 by Ord. No. 8-2011 Editor’s Note: Amended during codification (see Ch. 1, General Provisions, Part 2). ]

Banks and financial institutions, including drive-through

Beverage distributors, beer and soft drinks

Car wash

College or university, not including residential uses, unless such dwellings meet the requirements for a dwelling occupied by a "family"

Convenience stores, with or without auto fuel sales

Emergency health-care facility/office

Exercise clubs

Fire and ambulance station

Funeral homes

Gardens, crop farming and forestry

Home and garden supply centers

Laundromats

Miniature golf course

Motels and hotels

Municipal uses

Nursing homes or personal-care centers

Offices

Parking lots and structures

Passenger terminal facilities

Personal service businesses

Radio and television stations

Recreational facilities, public parks and non-motorized recreation trails

Residential uses: the same residential uses shall be allowed as are allowed in the R-3 District

Restaurants, including eat-in, takeout, drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.

Retail stores which may include drive-through facilities

Social clubs and associations, PLCB and non-PLCB licensed. Such use shall not be open between the hours of 12:00 midnight and 11:00 a.m. For any use that also meets the definition of a BYOB, Chapter 127, Part 3 (§§ 127-301 to 127-308), and § 127-202 shall also be met.

Taxi headquarters

Temporary employment agencies and service

Vehicle sales or rental

Veterinary hospitals

Wholesale sales and services

- (2) Accessory uses. See Part 10 unless otherwise noted.
  - (a) Amusement devices: pursuant to § 600-1010 of this chapter.
  - (b) Drive-through services: pursuant to § 600-1004 of this chapter.
  - (c) Entertainment: pursuant to § 600-1005.
  - (d) Home occupations, major or minor: see § 600-1006.
  - (e) Off-site parking areas: pursuant to § 600-1008.
  - (f) Telecommunications *non-tower* antenna *if co-located on a municipal facility or a tower that existed prior to the approval of this part and pursuant to Part 21 of this chapter. See § 600-2106.*
- (3) Conditional uses. In compliance with § 600-1203.
  - (a) Banquet hall.
  - (b) Bottle clubs.
  - (c) Group institution.
  - (d) Public utilities.
  - (e) Taverns and nightclubs.
  - (f) Treatment center.
  - (g) *Telecommunications towers and facilities, including poles subject to Part 21 of this chapter*
- (4) Special exception uses. In compliance with § 600-1202.
  - (a) Adaptive reuse.
  - (b) Amusement arcade.
  - (c) Auto service stations or auto repair.
  - (d) Day-care facilities.
  - (e) Manufactured/mobile home park.
  - (f) Pawn shop.
  - (g) Place of worship.
  - (h) Surface parking facility.
  - ~~(i) Telecommunications towers and facilities pursuant to Part 21 of this chapter.~~
  - ⊕ (i) Vehicle fuel sales.

§ 600-811. M-C Manufacturing Commercial District.

A. Dimensional requirements. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

B. Allowed uses.

- (1) Permitted-by-right uses. [Amended 2-14-2011 by Ord. No. 8-2011]
  - Manufacture or industrial processing within an enclosed building involving the following: (as listed on the North American Industrial Classification System, as applicable)
  - Assembly and packaging
  - Electronic and electrical equipment
  - Fabricated metals products
  - Food and beverage products
  - Leather and leather products (not including curing, tanning and finishing of hides)
  - Machinery
  - Medical and scientific equipment and related products
  - Motor freight transportation and warehousing
  - Non-PUC telecommunications facilities
  - Paper and allied products (other than raw paper pulp)

Petroleum and coal products, other than asphalt manufacture or petroleum refining  
 Pottery and ceramics  
 Primary metals industries  
 Railroad transportation  
 Research and development facilities  
 Rubber, synthetic rubber, resins and miscellaneous products  
 Sporting goods, toys, jewelry  
 Stone, clay and glass products  
 Textiles and apparel  
 Tobacco products  
 Transportation equipment  
 Transportation and public utilities  
 Wood products and furniture  
 Auto repair and car washes, in compliance with § 600-1105  
 Banks and financial institutions  
 College or university, not including residential uses  
 Convenience stores with fuel sales  
 Employee agencies and services  
 Exercise club  
 Fire and ambulance stations  
 Flex space buildings that include one or more permitted-by-right business uses  
 Gardens, crop farming and forestry  
 Lumber and building material supply center, retail or wholesale  
 Municipal uses  
 Offices and medical laboratories  
 Radio and television stations  
 Recreation facilities, public parks and non-motorized recreation trails  
 Restaurants, which may not include drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.  
 Retail and wholesale sales and services  
 Self-storage facilities  
 Swimming pool as principal use  
 Taxi headquarters  
~~Telecommunications towers and facilities, pursuant to Part 21 of this chapter.~~  
 Facilities may be placed on a leased area.  
 Trade, vocational and hobby schools, not including residential uses  
 Vehicle sales or rental  
 Warehouse, distribution and storage facilities

(2) Accessory uses. See Part 10, unless otherwise noted.

(a) Drive-through services for allowed principal uses: pursuant to § 600-1004 of this chapter.

(b) Entertainment: pursuant to § 600-1005 of this chapter.

(c) Swimming pools, accessory.

(d) Telecommunications *non-tower* antenna *if co-located on a municipal facility or a tower that existed prior to the approval of this part and pursuant to Part 21 of this chapter. See § 600-2106.*

(e) Wind turbine as an accessory use in compliance with § 600-1012.

(3) Conditional uses. In compliance with § 600-1203.

(a) Banquet hall.

(b) Public utilities, other than City-owned or City-operated uses and other than utility lines.

(c) Taverns and nightclubs.

***(d) Telecommunications antenna, towers and facilities, including poles, subject to Part 21 of this chapter.***

(4) Special exception uses. In compliance with § 600-1202.

(a) Day-care facilities.

(b) Kennels.

(c) Manufacture or industrial processing of chemicals and allied products.

(d) Manufacture of plastics and polymers.

C. Additional requirements.

(1) A minimum of 10% of the lot shall be devoted to areas landscaped with trees and shrubs and vegetative ground cover. This area shall not be used for any other purpose.

(2) All activities shall take place indoors; all outdoor storage shall be screened from public streets and adjacent off-street parking areas by fencing, landscaping or other appropriate measures.

(3) Landscaped buffer strips, meeting Part 14 with a minimum of 10 feet wide in M-C Zones and 25 feet wide in H-M Zones, and plant screening shall be provided in every case where an industrial use abuts a principally residential use. In addition, where a residential district is located across a street or alley from a new or expanded industrial use, a ten-foot wide landscaped buffer strip shall be provided alongside such street or alley along such adjacent front, side or rear lot line.

(4) Truck loading and unloading areas shall be provided in an amount sufficient to permit the transfer of goods in other than a public street or front yard setback areas.

(5) Entrance and exit to permitted uses shall be clearly marked.

(6) Any glare, vibration or noise resulting from the use shall not be evident beyond the boundaries of the zoning district.

(7) The operation shall not result in the dissemination of smoke, dust, chemicals or odors into the air to such a degree as to be detrimental to the health, safety and welfare of any adjacent residents.

(8) Wind turbines shall be allowed that are attached to a roof of a building and do not extend a total of more than 25 feet above the roof of the building.

(9) A minimum seventy-five-foot setback shall apply from the average water level of the Schuylkill River for any new or expanded vehicle parking, outdoor storage area or building. This requirement shall not apply for recreational uses open for free for use by the general public.

§ 600-812. H-M Heavy Manufacturing District.

A. Dimensional requirements. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

B. Allowed uses.

(1) Permitted-by-right uses:

(a) Manufacturing or industrial processing involving the following: (as listed in the North American Industrial Classification System, where applicable)

[1] Assembly and packaging.

[2] Electronic and electrical equipment.

[3] Fabricated metals products.

[4] Food and beverage products.

[5] Instruments and related products.

[6] Leather and leather products.

[7] Machinery.

- [8] Paper and allied products.
  - [9] Petroleum and coal products, other than asphalt.
  - [10] Primary metals industries.
  - [11] Railroad transportation.
  - [12] Rubber, synthetic rubber, resins and miscellaneous products.
  - [13] Stone, clay and glass products.
  - [14] Textile and apparel products.
  - [15] Tobacco products.
  - [16] Transportation equipment.
  - [17] Transportation and public utilities.
  - [18] Wood products and furniture.
- (b) Banks and financial institutions.
  - (c) College or university, not including residential uses.
  - (d) Exercise clubs.
  - (e) Fire and ambulance station.
  - (f) Flex space buildings, including two or more permitted business uses.
  - (g) Gardens, crop farming and forestry.
  - (h) Landing area for a helicopter, provided it meets requirements of State and Federal Aviation Agencies.
  - (i) Municipal uses.
  - (j) Offices.
  - (k) Radio and television stations.
  - (l) Recreation facilities, public parks and non-motorized recreation trails.
  - (m) Research and development facilities.
  - (n) Self-storage facilities.
  - ~~(o) Telecommunications facilities other than towers and antennas. Lot size may be reduced to 2,500 square feet when on leased parcel, provided the structure may not be located in setback areas.~~
  - ~~(p) Telecommunications towers and antennas pursuant to Part 21 of this chapter. For accessory antenna, see § 600-2106C(3).~~
  - ~~(q) Trade, vocational and hobby schools, not including residential uses.~~
  - ~~(r) Warehousing, storage, distribution, trucking or intermodal transfer facilities.~~
  - ~~(s) Wind turbine as an accessory use in compliance with § 600-1012.~~
- (2) Accessory uses. See Part 10 unless otherwise noted.
- (a) Telecommunications *non-tower* antenna *if co-located on a municipal facility or a tower that existed prior to the approval of this part and pursuant to Part 21 of this chapter. See § 600-2106.*
- (3) Conditional uses. See § 600-1203.
- (a) Group institution.
  - (b) Junkyard.
  - (c) Manufactured home parks.
  - (d) Massage parlor (not including "massage therapy"), which shall meet the same regulations as a sexually oriented business, in addition to the City of Reading Code requirements.
  - (e) Sexually oriented business: pursuant to § 600-1203.
  - (f) Temporary shelter.
  - (g) Treatment center.
  - (h) Telecommunications antenna, towers and facilities, including poles, pursuant to Part 21 of this chapter.*

(4) Special exception uses:

- (a) Manufacture of plastics and polymers.
- (b) Manufacture and industrial processing of chemicals and allied products.
- (c) Manufacture of asphalt.
- (d) Solid waste transfer facility.
- (e) Such other manufacturing and industrial uses as the applicant proves to the satisfaction of the Zoning Hearing Board will be similar to allowed uses and will not create hazards to public health and safety.

C. Additional requirements. Section 600-811C shall also apply to the H-M District.

§ 600-816. MU Municipal District.

A. Dimensional requirements. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

B. Allowed uses.

(1) Permitted-by-right uses:

- (a) Wastewater treatment operations.
- (b) Law enforcement operations.
- (c) Firefighting and rescue service operations.
- (d) Recycling operations.
- (e) Multiple principal uses and occupancies on single parcels within the Municipal Use District are expressly authorized; where common (City) ownership makes subdivision otherwise unnecessary; "area and bulk" standards shall apply to the property as a whole. The adequacy of separations between uses shall be established by agreement between the City's representative and a qualified design professional, and to the satisfaction of the incumbent tenants and their continuing operations. Municipal use parcels are not required to front on a public street, though sufficient (driveway) access must nonetheless be provided.
- (f) Governmental offices and public works facilities.
- (g) Public recreation facilities.
- (h) Non-motorized recreation trails.

(2) Accessory uses. See Part 10 unless otherwise noted.

- (a) Telecommunications *non-tower* antenna *if co-located on a municipal facility or a tower that existed prior to the approval of this part and pursuant to Part 21 of this chapter.* See § 600-2106.

(3) *Conditional Permit uses:*

- (a) *Telecommunications towers, antennas and facilities, including poles, pursuant to Part 21 of this chapter.*

**SECTION III.** Amending Chapter 600-2206 Telecommunications Definitions by adding the following:

1. *Antenna*—any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An Antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include Tower-Based Wireless Communications Facilities defined below. .
2. *Co-location*—the mounting of one or more WCFs, including Antennae, on an existing Tower-Based WCF or utility or light pole.

3. *Distributed Antenna Systems (DAS)*—network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.
4. *Emergency*--a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.
5. *FCC*—Federal Communications Commission.
6. *Monopole*—a WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances.
7. *Non-Tower Wireless Communications Facility (Non-Tower WCF)*—all non-tower wireless communications facilities, including but not limited to, Antennae and related equipment. Non-Tower WCF shall not include support structures for Antennae and related equipment.
8. *Persons*—individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that Person does not include or apply to the City or to any department or agency of the City.
9. *Right-of-Way or ROW*—the surface of and space above and below any real property in the City in which the City or Commonwealth has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all Streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the City or Commonwealth, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for Utility purposes, but excluding lands other than Streets that are owned by the City or Commonwealth. The phrase “in the Right(s)-of-Way” means in, on, over, along, above and/or under the Right(s)-of-Way.
10. *Stealth Technology*—camouflaging methods applied to wireless communications towers, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, flag poles and light poles.
11. *Substantially Change*—(1) any increase in the height of a Wireless Support Structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed Wireless Communications Facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.
12. *Tower-Based Wireless Communications Facility (Tower-based WCF)*—any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be tower-based WCFs.

13. *City*—City of Reading, Berks County, PA
14. *Wireless*—transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.
15. *Wireless Communications Facility (WCF)*—the Antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.
16. *Wireless Communications Facility Applicant (WCF Applicant)*—any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public ROW or other City owned land or property.
17. *Wireless Support Structure*—a freestanding structure, such as a Tower-Based Wireless Communications Facility or any other support structure that could support the placement or installation of a Wireless Communications Facility if approved by the City.

**SECTION IV. Repealing and replacing §600-2100 Telecommunications Towers and Antenna as follows:**

**§600-2101 Purpose and Scope.**

- A. The purpose of this Ordinance is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities in City of Reading. While the City recognizes the importance of wireless communications facilities in providing high quality communications service to its residents and businesses, the City also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

**§600-2102. General Requirements for All Tower-Based Wireless Communications Facilities.**

The following regulations shall apply to all Tower-Based Wireless Communications Facilities:

1. Standard of Care. Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.
2. Wind. Any Tower-Based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).
3. Height. Any Tower-Based WCF shall be designed at the minimum functional height and shall not exceed a maximum total height of one hundred fifty (150) feet, which height shall include all subsequent

additions or alterations. All Tower-Based WCF applicants must submit documentation to the City justifying the total height of the structure.

4. Public Safety Communications. No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
5. Maintenance. The following maintenance requirements shall apply:
  - a. Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City's residents.
  - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
6. Radio Frequency Emissions. No Tower-Based WCF may, by itself or in conjunction with other WCF's, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.
7. Historic Buildings or Districts. No Tower-Based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts list maintained by the City, or has been designated by the City as being of historic significance.
8. Identification. All Tower-Based WCF's shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the City.
9. Lighting. Tower-Based WCF shall not be artificially lighted, except as required by law and as may be approved by the City. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
10. Appearance. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.
11. Noise. Tower-Based WCF's shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the City Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
12. Aviation Safety. Tower-Based WCF's shall comply with all federal and state laws and regulations concerning aviation safety.
13. Retention of Experts. The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The

applicant and/or owner of the WCF shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities prior to the issuance of any zoning permit.

14. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the City, the City shall notify the applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCF's shall be acted upon within one hundred-fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the City shall advise the applicant in writing of its decision. If additional information was requested by the City to complete an application, the time required by the applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.
15. Non-Conforming Uses. Non-conforming Tower-Based WCF's which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Ordinance.
16. Removal. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
  - a. All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the City.
  - b. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and accessory facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.
  - c. Any unused portions of Tower-Based WCFs, including Antennas, shall be removed within six (6) months of the time of cessation of operations. The City must approve all replacements of portions of a Tower-Based WCF previously removed.
17. Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring and related costs. The Fee Schedule is located in Chapter 212.

### **§600-2103 Tower-Based Facilities Outside the Rights-of-Way**

- A. The following regulations shall apply to Tower-Based Wireless Communications Facilities located outside the Rights-of-Way:
  1. Development Regulations:
    - a. Prohibited in Residential Zones. No Tower-Based WCF shall be located in a district zoned residential or within 500 feet of a lot in residential use or a residential district boundary. Tower-Based WCF's are permitted only by Conditional Use in such districts as specified in §600- 800 Districts – sections 810, 811, 812, 816.

- b. Gap in Coverage. An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the City's decision on an application for approval of Tower-Based WCF's.
  - c. Sole Use on a Lot. A Tower-Based WCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district in Section 600-800.
  - d. Combined with Another Use. A Tower-Based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, commercial, institutional or municipal use, subject to the following conditions:
    - i. The existing use on the property may be any permitted use in the applicable district as per Section 600-800, and need not be affiliated with the communications facility.
    - ii. Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security fence, and buffer planting.
    - iii. Minimum Setbacks. The Tower-Based WCF and accompanying equipment building shall comply with the requirements for the applicable zoning district, provided that no Tower-Based WCF shall be located within five hundred (500) feet of a lot in residential use or a residential district boundary.
2. Notice. Upon receipt of an application for a Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.
  3. Co-Location. An application for a new Tower-Based WCF shall not be approved unless the City finds that the wireless communications equipment planned for the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building. Any application for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the City that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
  4. Design Regulations:
    - a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the City.
    - b. Any height extensions to an existing Tower-Based WCF shall require prior approval of the City. The City reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the City.

- c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's Antennas and comparable Antennae for future users.

5. Surrounding Environs:

- a. The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
- b. The WCF applicant shall submit a soil report to the City complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

6. Fence/Screen:

- a. A security fence having a maximum height of six (6) feet shall completely surround any Tower-Based WCF, guy wires, or any building housing WCF equipment.
- b. An evergreen screen that consists of a hedge, or a row of evergreen trees shall be located along the perimeter of the security fence.
- c. The WCF applicant shall submit a landscape plan for review and approval by the City Planning Commission for all proposed screening.

7. Accessory Equipment:

- a. Ground-mounted equipment associated to, or connected with, a Tower-Based WCF shall be underground. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the City Engineer, then the ground mounted equipment shall be screened from public view using Stealth Technologies, as described above.
- b. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

8. Additional Antennae. As a condition of approval for all Tower-Based WCFs, the WCF applicant shall provide the City with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the City.

9. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the City that the property owner has granted an easement for the proposed facility.

10. Bond. Prior to the issuance of a permit, the owner of a Tower-Based WCF outside the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond

or other form of security acceptable to the City Solicitor, in an amount of \$100,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the City may recover from the principal and surety any and all compensatory damages incurred by the City for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file the bond with the City.

11. Visual or Land Use Impact. The City reserves the right to deny an application for the construction or placement of any Tower-Based WCF based upon visual and/or land use impact.
12. Inspection. The City reserves the right to inspect any Tower-Based WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

#### **§600-2104 Tower-Based Facilities in the Rights-of-Way**

- A. The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the Rights-of-Way:
  1. Prohibited in Residential Zones. No Tower-Based WCF shall be located within a residential zone or within 500 feet of a lot in residential use or a residential district boundary. Tower-Based WCF's are only permitted in such districts as specified in §600-800 Districts, sections 810, 811, 812 and 816.
  2. Gap in Coverage. An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the City's decision on an application for approval of Tower-Based WCF's in the ROW.
  3. Notice. Upon receipt of an application for a Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the property or parcel of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.
  4. Co-location. An application for a new Tower-Based WCF in the ROW shall not be approved unless the City finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the City that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
  5. Time, Place and Manner. The City shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCF's in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code.

6. Equipment Location. Tower-Based WCF's and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the City. In addition:
  - a. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb;
  - b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the City.
  - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the City.
  - d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
  - e. Any underground vaults related to Tower-Based WCF's shall be reviewed and approved by the City.
7. Design Regulations.
  - a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the City.
  - b. Any height extensions to an existing Tower-Based WCF shall require prior approval of the City, and shall not increase the overall height of the Tower-Based WCF to more than one hundred fifty (150) feet. The City reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the City.
  - c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's Antennas and comparable Antennae for future users.
8. Visual or Land Use Impact. The City reserves the right to deny the construction or placement of any Tower-Based WCF in the ROW based upon visual and/or land use impact.
9. Additional Antennae. As a condition of approval for all Tower-Based WCFs in the ROW, the WCF applicant shall provide the City with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the City.
10. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the City, consistent with its

police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- a. The construction, repair, maintenance or installation of any City or other public improvement in the Right-of-Way;
  - b. The operations of the City or other governmental entity in the Right-of-Way;
  - c. Vacation of a street or road or the release of a utility easement; or
  - d. An Emergency as determined by the City.
11. Compensation for ROW Use. In addition to permit fees as described in Section §600-2102.17 above, every Tower-Based WCF in the ROW is subject to the City's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the City's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the City. The owner of each Tower-Based WCF shall pay an annual fee to the City to compensate the City for the City's costs incurred in connection with the activities described above. The Annual ROW management fee for Tower-Based WCF's shall be determined by the City and authorized by ordinance and shall be based on the City's actual ROW management costs as applied to such Tower-Based WCF.
12. Bond. Prior to the issuance of a permit, the owner of a Tower-Based WCF in the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the City Solicitor, in an amount of \$100,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the City may recover from the principal and surety any and all compensatory damages incurred by the City for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the City.

### **§600-2105 General Requirements for All Non-Tower Wireless Communications Facilities**

- A. The following regulations shall apply to all Non-Tower Wireless Communications Facilities that do not substantially change the physical dimensions of the Wireless Support Structure to which they are attached:
1. Permitted in All Zones Subject to Regulations. Non-Tower WCF's are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the City.
  2. Upon receipt of an application for any Non-Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.
  3. Standard of Care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all

times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.

4. Wind. Any Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).
  5. Public Safety Communications. No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
  6. Aviation Safety. Non-Tower WCF's shall comply with all federal and state laws and regulations concerning aviation safety.
  7. Radio Frequency Emissions. No Non-Tower WCF may, by itself or in conjunction with other WCF's, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.
  8. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
    - a. All abandoned or unused WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the City.
    - b. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and/or associated facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.
  9. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the City, the City shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the applicant to provide the information shall not be counted toward the City's ninety (90) day review period.
  10. Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a Non-Tower WCF or \$1,000, whichever is less.
- B. The following regulations shall apply to all Non-Tower Wireless Communications Facilities that Substantially Change the Wireless Support Structure to which they are attached:

1. Permitted in All Zones Subject to Regulations. Non-Tower WCF's are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the City.
2. Upon receipt of an application for any Non-Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.
3. Standard of Care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.
4. Wind. Any Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).
5. Public Safety Communications. No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
6. Historic Buildings. Non-Tower WCFs may not be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts lists maintained by the City or has been designated by the City as being of historic significance.
7. Aviation Safety. Non-Tower WCF's shall comply with all federal and state laws and regulations concerning aviation safety.
8. Maintenance. The following maintenance requirements shall apply:
  - a. The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City's residents.
  - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
9. Radio Frequency Emissions. No Non-Tower WCF may, by itself or in conjunction with other WCF's, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.

10. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
  - a. All abandoned or unused WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the City.
  - b. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and/or associated facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.
11. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the City, the City shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the applicant to provide the information shall not be counted toward the City's ninety (90) day review period.
12. Retention of Experts. The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities prior to the issuance of the zoning permit.
13. Bond. Prior to the issuance of a permit, the owner of each individual Non-Tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the City Solicitor, in an amount of \$25,000 for each individual Non-Tower WCF, to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the City may recover from the principal and surety any and all compensatory damages incurred by the City for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the City.
14. Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring and related costs. The Fee Schedule is located in Chapter 212.

#### **§600-2105 Non-Tower Wireless Facilities Outside the Rights-of-Way**

The following additional regulations shall apply to Non-Tower Wireless Communications Facilities located outside the Rights-of-Way that Substantially Change the Wireless Support Structure to which they are attached:

1. Development Regulations. Non-Tower WCFs shall be co-located on existing structures, such as existing buildings or Tower-Based WCF's subject to the following conditions:
  - a. Such WCF does not exceed a maximum height of one hundred fifty (150) feet.
  - b. If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
  - c. A six (6) foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
2. Design Regulations.
  - a. Non-Tower WCFs shall employ Stealth Technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the City.
  - b. Non-Tower WCFs, which are mounted to a building or similar structure, may not exceed a height of fifteen (15) feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a conditional use permit.
  - c. All Non-Tower WCF applicants must submit documentation to the City justifying the total height of the Non-Tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
  - d. Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
  - e. Non-Commercial Usage Exemption. The design regulations enumerated in this Section shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.
3. Removal, Replacement, Modification.
  - a. The removal and replacement of Non-Tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of Antennae.
  - b. Any material modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.
4. Visual or Land Use Impact. The City reserves the right to deny an application for the construction or placement of any Non-Tower WCF based upon visual and/or land use impact.
5. Inspection. The City reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

## **§600-2106 Non-Tower Wireless Facilities in the Rights-of-Way**

A. The following additional regulations shall apply to all Non-Tower Wireless Communications Facilities located in the Rights-of-Way:

1. Co-location. Non-Tower WCFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles.
2. Design Requirements :
  - a. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
  - b. Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
3. Compensation for ROW Use. In addition to permit fees as described above, every Non-Tower WCF in the ROW is subject to the City's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the City's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the City. The owner of each Non-Tower WCF shall pay an annual fee to the City to compensate the City for its costs incurred in connection with the activities described above. The Annual ROW management fee for Non-Tower WCF's shall be determined by the City and authorized by ordinance and shall be based on the City's actual ROW management costs as applied to such Non-Tower WCF.
4. Time, Place and Manner. The City shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCF's in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code.
5. Equipment Location. Non-Tower WCF's and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the City. In addition:
  - a. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb;
  - b. Ground-mounted equipment shall be located underground. In the event an applicant can demonstrate, to the satisfaction of the City Engineer or his designee, that ground-mounted equipment cannot be installed underground, then all such equipment shall be screened, to the

fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the City.

- c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the City.
  - d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
  - e. Any underground vaults related to Non-Tower WCF's shall be reviewed and approved by the City.
6. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- a. The construction, repair, maintenance or installation of any City or other public improvement in the Right-of-Way;
  - b. The operations of the City or other governmental entity in the Right-of-Way;
  - c. Vacation of a street or road or the release of a utility easement; or
  - d. An Emergency as determined by the City.
7. Visual or Land Use Impact. The City retains the right to deny an application for the construction or placement of a Non-Tower WCF based upon visual and/or land use impact.

#### **§600-2107 Violations Applicable to All Wireless Facilities**

1. Penalties. Any Person violating any provision of this Ordinance shall be subject, upon finding by a magisterial district judge, to a penalty not exceeding five hundred dollars (\$500), for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this Ordinance and any other remedy at law or in equity, the City may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this Ordinance.
2. Determination of Violation. In the event a determination is made that a Person has violated any provision of this Ordinance, such Person shall be provided written notice of the determination and the reasons therefore. Except in the case of an Emergency, the Person shall have thirty (30) days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the City may, in its reasonable judgment, extend the time period to cure, provided the Person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the City may take any and all actions authorized by this Ordinance and/or federal and/or Pennsylvania law and regulations.

**SECTION V. Amending §600-1203 Conditions for Conditional Use by adding Telecommunications Facility, Towers and Antenna as follows:**

§600-1203. Conditions for conditional uses.

N. Telecommunications facility, towers and antenna (*Note see §600-800, 2100 and 2206*)

- (1) The applicant shall present a plan showing the following items:
  - (a) Locations of all existing uses and proposed telecommunications facilities
  - (b) Elevations of any existing uses and proposed telecommunications facilities
  - (c) Vehicular access, fencing and any easements for access and utilities
  - (d) The locations desired with two (2) alternative locations
- (2) The telecommunications facility shall comply with all State and Federal laws and regulations concerning aviation safety.
- (3) The applicant shall provide Stealth Technology to camouflage the proposed facility to make them more visually appealing and blend the proposed facility to render it minimally visible to the casual observer defined.
- (4) The City may retain the assistance of a consultant and/or expert to assist in the review and evaluation of the application. The applicant shall be responsible for all costs charged by the consultant and/or expert in connection with these activities. All associated fees and costs must be paid to the City prior to the issuance of the zoning permit, if the application is approved.
- (5) If additional information is requested by the City or the consultant/and or expert from the applicant, the time required by the applicant to provide the additional information shall not be counted toward the 150 day review period.

**SECTION VI. Amending Section §600-1202 Special Exceptions by eliminating telecommunication towers and renumbering the section as required as follows:**

§ 600-1202. Conditions for special exception uses.

- A. Adaptive reuse.
- B. Bed-and-breakfast inn.
- C. Cemeteries. Cemeteries shall be allowed as provided in Part 8 and shall meet the following standards:
- D. Day-care facilities.
- E. Colleges, universities, primary and secondary schools and trade/hobby schools.
- F. Amusement arcade.
- G. Home occupations, major.
- H. Hospitals and centers for the care of children.
- I. Kennels.
- J. Life-care retirement facility and nursing home.
- K. Nursing homes. See "life-care retirement facility and nursing home" in this section.
- L. Parks, playgrounds and public buildings. This term includes parks and playgrounds operated by the federal, state or local government or nonprofit organizations as well as public buildings operated by governmental agencies.
- M. Pawn shops.
- N. Places of worship. The proposed use shall be a bona fide nonprofit religious use.
- O. Private surface parking facilities (lot or structure).
- P. Swimming pools as a principal use.
- ~~Q. Telecommunications towers and facilities. Telecommunications towers and facilities shall be allowed as provided in the zoning district regulations, provided they meet the standards outlined in Part 21 of this chapter in addition to any stipulations set forth by the Zoning~~

~~Hearing Board. See § 600-2106C(3) for antenna attached to a building.~~

**SECTION VII. Miscellaneous**

1. Police Powers. The City, by granting any permit or taking any other action pursuant to this Chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the City under applicable federal, state and local laws and regulations.
  
2. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.
  
3. Effective Date. This Ordinance shall become effective ten (10) days after enactment by the City Council.

ENACTED AND ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council President

Submitted to Mayor by: \_\_\_\_\_  
Date Submitted: \_\_\_\_\_  
Received in Mayor's Office by: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Approved by Mayor: \_\_\_\_\_  
Date Approved: \_\_\_\_\_  
Vetoed by Mayor: \_\_\_\_\_  
Date Vetoed: \_\_\_\_\_

Drafted by  
Sponsored by/Referred by  
Introduced on  
Advertised on

Managing Director  
Mayor  
September 26, 2016  
Not required

**BILL NO. \_\_\_\_\_ 2016**

**A N O R D I N A N C E**

**AN ORDINANCE OF THE CITY OF READING SETTING FORTH THE SALARY OF THE DIRECTOR OF COMMUNITY DEVELOPMENT**

**THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The salary of the Director of Community Development, Alejandro Palacios, shall be EIGHTY-TWO THOUSAND AND EIGHT HUNDRED DOLLARS (\$82,800) per annum, payable in equal bi-monthly installments, or as otherwise provided for by ordinance.

**SECTION 2.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**SECTION 3.** This Ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter

Enacted \_\_\_\_\_, 2016

\_\_\_\_\_  
Jeffrey Waltman, President of Council

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Drafted by: Public Works  
Sponsored/Referred by: Public Works  
Introduced on: September 26, 2016  
Advertised on: N/A

**BILL NO. \_\_\_\_ 2016**

**AN ORDINANCE**

**AUTHORIZING THE ENTRANCE INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE CITY OF READING AND THE READING SCHOOL DISTRICT**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

Section One: Council hereby authorizes the Administration enter into a one-year intergovernmental cooperation agreement regarding the collection and recycling of various recyclable items generated at multiple Reading School District locations. The Agreement is between the City of Reading and the Reading School District and retroactively effective July 01, 2016.

Section Two: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

**ENACTED \_\_\_\_\_, 2016**

\_\_\_\_\_  
**President of Council**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

Submitted to Mayor by: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Received in Mayor's Office by: \_\_\_\_\_

Date Received: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date Approved: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date Vetoed: \_\_\_\_\_

INTERGOVERNMENTAL COOPERATION AGREEMENT

THIS AGREEMENT is made and entered into by and between the CITY OF READING, a municipal corporation of the Commonwealth of Pennsylvania, with its principal office located at 815 Washington Street, Reading, Berks County, PA 19601 ("CITY"), and the READING SCHOOL DISTRICT, a third class school district of the Commonwealth of Pennsylvania, with its principal office located at 800 Washington Street, Reading, Berks County, PA 19601 ("SCHOOL DISTRICT").

WHEREAS, the parties to this Agreement desire to cooperate in the collection and recycling of various recyclable items generated at multiple SCHOOL DISTRICT locations throughout the CITY; and

WHEREAS, the Pennsylvania Intergovernmental Cooperation Law, Act 180 of 1972, as amended by Act 177 of 1996, 53 Pa. C.S. §2301 et seq. (the "Act"), endorses cooperative agreements such as the one contemplated herein, and

WHEREAS, the CITY has passed an ordinance in accordance with the provisions of the Act, and the SCHOOL DISTRICT has passed a resolution approving the Agreement, and therefore each party is duly authorized to enter into this Agreement,

NOW THEREFORE, in consideration of the mutual covenants undertaken herein, and with the intent to be legally bound, the CITY for itself, its successors and assigns, and the SCHOOL DISTRICT for itself, its successors and assigns, hereby agree as follows:

1. Recitals. The above recitals are incorporated by reference and are made a part hereof as though set forth fully herein.

2. Recycling Collection Services. The CITY will provide recycling collection services to the SCHOOL DISTRICT at the sites listed on Exhibit A ("Collection Sites").
  
3. Recyclable Material. The CITY will collect mixed paper and comingled items ("Recyclable Material") from the Collection Sites.
  
4. Containers.
  - a. The CITY will provide a sufficient number of suitable containers at no cost to the SCHOOL DISTRICT to collect and store Recyclable Material in SCHOOL DISTRICT cafeterias, offices, and classrooms.
  
  - b. The CITY shall provide and service dual compartment recycling containers at the entrance and exit of each school building of the SCHOOL DISTRICT. The maximum number of said dual compartment containers shall be determined by the CITY and SCHOOL DISTRICT based on the volume of Recyclable Material generated by the SCHOOL DISTRICT.
  
5. Frequency of Collection. The schedule and frequency of Recycling shall be established and adjusted from time to time by mutual agreement, based on the volume of Recyclable Material generated by the SCHOOL DISTRICT, in such a manner that all Recyclable Material generated by the SCHOOL DISTRICT is collected in a timely fashion.

6. Additional Services. The CITY'S Solid Waste Division shall provide advice and assistance, including staff time, to the SCHOOL DISTRICT for the purpose of establishing internal collection procedures.
7. Student Involvement. The SCHOOL DISTRICT agrees to foster and promote direct student involvement in the internal collections of Recyclable Material.
8. Effective Date and Initial Term. The Initial Term of this Agreement shall be for one (1) year, beginning July 1, 2016 (the "Effective Date").
9. Renewal Terms. This Agreement may be extended for additional one-year Renewal Terms upon written notice by the SCHOOL DISTRICT to the CITY of its intention to renew, which notice shall be given at least 90 days prior to the termination of the then-current Initial or Renewal Term and shall be delivered in accordance with the notice provision below.
10. Termination Upon Notice. Either party may terminate this agreement upon 90 days' prior written notice to the other party in accordance with the notice provision below.
11. Fee. The fee for the Recycling Collection Services for the Initial Term shall be \$54,632.49. The fee will increase by 2% of the previous year's fee for each successive one-year Renewal Term.
12. Modification and Amendment. This Agreement may only be amended or modified in writing, upon consent of both parties and as duly approved by official action of the parties.

13. Indemnification. Nothing in this Agreement shall constitute a waiver of Sovereign Immunity by either party. The CITY and the SCHOOL DISTRICT agree to indemnify each other for any and all claims which may arise from this Agreement which are brought or claimed by third party entities.

14. Access. The SCHOOL DISTRICT agrees to give reasonable access to school buildings within the SCHOOL DISTRICT to the CITY employees as necessary to perform the Recycling Collection Services set forth herein, which access may be limited at the sole discretion of the SCHOOL DISTRICT. Notwithstanding the foregoing, no CITY employee(s) shall enter or be present inside any SCHOOL DISTRICT building without the express consent of the SCHOOL DISTRICT and any CITY employee shall be escorted and accompanied by a SCHOOL DISTRICT official or employee at all times when present inside any SCHOOL DISTRICT BUILDING. The SCHOOL DISTRICT may also require CITY employees to obtain background clearances before entering or being present in any SCHOOL DISTRICT building, consistent with SCHOOL DISTRICT policy.

15. Entire Agreement. This Agreement, along with the Exhibit(s) attached hereto and incorporated by reference herein, comprises the entire agreement between the parties related to the subject matter of this Agreement, and supersedes any prior agreement, oral or written, between the parties on the subject matter herein.

16. Notice. All notices under this Agreement shall be deemed to have been given if mailed, U.S. Certified, Return Receipt Requested, to the principal office of record set forth above.

17. Governing Law. This Agreement, and all rights and obligations of the parties hereto, are governed and construed in accordance with the laws of the Commonwealth of Pennsylvania.

18. Authority. The signatories to this Agreement, below, are duly authorized to enter into this Agreement, as follows

- a. City of Reading, Ordinance No. \_\_\_\_\_, passed on [Date].
- b. Reading School District, Resolution 7.02, passed on [Date]. 5/25/16

19. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original.

20.

WHEREFORE, the parties hereto intending to be legally bound hereto set their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

CITY OF READING  
By: \_\_\_\_\_

Attest:  
\_\_\_\_\_

READING SCHOOL DISTRICT  
By: [Signature]  
Attest: [Signature]

**Exhibit A:**

**School District Buildings**

Glenside Elementary - Monday

Millmont - Monday

Riverside Elementary - Monday

Northwest Middle School - Tuesday

Northwest Elementary - Tuesday

Laurels Park - Tuesday

Tyson Schoener – Wednesday

8<sup>th</sup> and Penn Center (Rock) - Wednesday

10<sup>th</sup> and Penn - Wednesday

13<sup>th</sup> and Green - Wednesday

10<sup>th</sup> and Green – Wednesday

RSD Administration Bldg. - Wednesday

Southwest - Wednesday

Walnut and Locust - Wednesday

16<sup>th</sup> and Haak - Thursday

Amanda Stoudt - Thursday

Southern - Thursday

Northeast - Friday

13<sup>th</sup> and Union – Friday

JCC – Friday

12<sup>th</sup> and Marion – Tuesday and Friday

Citadel – Monday, Tuesday, Wednesday, Thursday, Friday

Reading High – Monday, Tuesday, Wednesday, Thursday, Friday

Reading Maintenance Bldg. ?

# AGENDA MEMO

## Finance Department

**TO:** City Council  
**FROM:** Glenn Steckman, Managing Director  
Josephina Encarnacion, Acting Admin. Services Director  
Ralph Johnson, Public Works Director  
**PREPARED BY:** Josephina Encarnacion, Acting Admin. Services Director  
**MEETING DATE:** September 28, 2016  
**AGENDA MEMO DATE:** September 21, 2016  
**RECOMMENDED ACTION:** Council approval of a Budget Item addition to allow for the processing of funds for the Asset Conditions Assessment Project.

**RECOMMENDATION:**

Administration recommends Council approval to amend the City budget to include an item to allow the transfer of the reimbursement grant monies for the Asset Conditions Assessment Project from the Pennsylvania Department of Community and Economic Development (DCED) Municipal Financial Recovery Program (Act 47) to the payable accounts.

**BACKGROUND:**

DCED has awarded the City of Reading with a municipal financial recovery grant to fund the Asset Conditions Assessment in the amount of \$270,000. A specific budget item was not included in the City's 2016 Budget intended for this grant funding. This amendment is an item that will allow the issuance of payable accounts processed through the City's electronic accounting.

**BUDGETARY IMPACT:**

This project is funded through a reimbursable DCED Municipal Financial Recovery Program (Act 47) grant. The new budget item will have no net effect on the budget since all monies requested owed to the contractors are received through the DCED grant at the 100% level and will be reimbursed to the City.

**PREVIOUS ACTION:**

- PA DCED Municipal Financial Recovery Grant Contract Signed 9/02/2015.

**SUBSEQUENT ACTION:**

The budget amendment must be approved by Council.

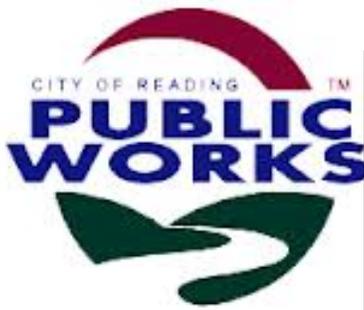
**RECOMMENDED BY:**

The Managing Director, Acting Director of Administrative Services, and Director of Public Works.

**RECOMMENDED MOTION:**

Approve/Deny the amendments to the approved 2016 budget as presented.





**City of Reading  
Department of Public Works  
Solid Waste & Recycling**

**TO:**

**Members of City Council**

**FROM:**

**Ralph Johnson**

**PREPARED BY:**

**Madelin Collins**

**MEETING DATE:**

**October 11, 2016**

**AGENDA MEMO DATE:**

**October 5, 2016**

**RECOMMENDED ACTION: Approve appropriation transfer**

**BACKGROUND:**

This transfer is to cover invoice for recycling containers.

**BUDGETARY IMPACT:**

A transfer of \$19,000.00 from Solid Waste Fund 47; 56-07-47-4510 General Plant Supplies to 56-07-46-4510 General Plant Supplies in Recycling Fund 46 and a transfer of \$5,000.00 from Advertising 56-07-47-4200 in Solid Waste fund 47 to General Plant Supplies 56-07-46-4510 in Recycling fund 46.

**PREVIOUS ACTION:**

None

**RECOMMENDED BY:**

Ralph Johnson, Public Works Director

**RECOMMENDED MOTION:**

Approve the request.

Drafted by Public Works  
Sponsored by/Referred by Managing Director  
Introduced on Oct 10, 2016  
Advertised on

**BILL NO. \_\_\_\_ 2016**

**AN ORDINANCE**

***AUTHORIZING AN APPROPRIATIONS TRANSFER WITHIN THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF SOLID WASTE & RECYCLING IN THE AMOUNT OF \$24,000.00 FOR BUDGET YEAR 2016.***

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

Section One: Council hereby authorizes the transfer within the 2016 Department of Public Works, Division of Solid Waste & Recycling budget a transfer of \$19,000.00 from 56-07-47-4510 General Plant Supplies to 56-07-46-4510 General Plant Supplies and a transfer of \$5,000.00 from Advertising 56-07-47-4200 to General Plant Supplies 56-07-46-4510 for the purpose of covering funds to pay for recycling container invoice.

Section Two: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

**ENACTED \_\_\_\_\_, 2015**

\_\_\_\_\_  
**President of Council**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

Submitted to Mayor by: \_\_\_\_\_  
Date Submitted: \_\_\_\_\_  
Received in Mayor's Office by: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Approved by Mayor: \_\_\_\_\_  
Date Approved: \_\_\_\_\_  
Vetoed by Mayor: \_\_\_\_\_  
Date Vetoed: \_\_\_\_\_

Drafted by Utilities Div Mgr  
Sponsored by/Referred by Managing Director  
Introduced on N/A  
Advertised on N/A

**RESOLUTION NO. \_\_\_\_ 2016**

Whereas, the City of Reading has been awarded a grant in the amount of \$292,700 (MPMS No. 103165) for the Rockland Street Project; and

Whereas, the Pennsylvania Department of Transportation's Transportation Alternatives Program (TAP) requires execution of a reimbursement agreement, No. R16050006, to proceed.

The Council of the City of Reading hereby resolves as follows:

That the City Solicitor be authorized to execute the reimbursement agreement in the RAS with No. R16050006 for the Rockland Street Project.

Adopted by Council \_\_\_\_\_, 2016

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk